

REMARKS

Claims 1, 6 -10, 13-15, 18-20, 23-27, 30-32, 36-39, and 41-47 are pending.

I. Claims 1, 10, 13-15, 18-20, 23-25 and 36-39

Applicants note claims 1, 10, 13-15, 18-20, 23-25 and 36-39 have been withdrawn from consideration, apparently as being drawn to a non-elected invention. However, as each of these claims depend, either directly or indirectly from claim 26, Applicants respectfully present that such claims are drawn to the same invention as is claim 26. As these claims were previously pending, Applicants respectfully request consideration of each of claims 1, 10, 13-15, 18-20, 23-25 and 36-39 on the merits. Moreover, as each of claims 1, 10, 13-15, 18-20, 23-25 and 36-39 recite the features of independent claim 26, Applicants respectfully submit that rejoinder of such claims is proper. See MPEP §§ 821.04 and 821.04(b) (“Rejoinder of Process Requiring an Allowable Product”).

II. Claim Amendments

Claim 26, i.e., the sole pending independent claim, has been amended to recite that the acrylic acid containing composition is present in an amount of at most 10 dry lbs/ton. As discussed at Paragraph 4 of the Declaration of Charles Propst, Jr. (“Propst Declaration”) (provided as an attachment hereto), when “the acrylic acid containing composition exceeds 10 dry lbs./ton, costs escalate rapidly.” Thus, the Propst Declaration continues:

[I]n order to allow for less acrylic acid containing composition percentages, the present inventors have *surprisingly and unexpectedly* discovered that the addition of alkyl ketene dimer (AKD) and/or alkyl succinic anhydride (ASA) allows for less inclusion of the acrylic acid containing composition, while reducing costs and simultaneously obtaining the same advantages of greater amounts of acrylic acid containing compositions”

(Propst Declaration, Paragraph 4) (emphasis added).

Accordingly, the present inventors have unexpectedly discovered that ASA and/or AKD can be used in combination with lesser amounts of acrylic acid containing compositions, in order to achieve the same properties observed with greater levels of acrylic acid containing composition.

III. 35 USC § 103

Claims 26, 27, 30, 31, 41, 42-47 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over CA 2354966 or WO 02/25013 in view of Nigam (U.S. Patent No. 6,171,444) Carlson (U.S. Patent No. 2,726,230) and Dumas (U.S. patent No. 4,522,686) (for claims 43 and 46). The Office Action asserts each of CA '966 and WO '103 teaches the features of the rejected claims, except for the addition of a crosslinking agent to the composition, for which purpose Nigam and Carlson are cited, as well as specific allyl ketene dimers, for which purpose Dumas is cited. However, as the cited references fail to teach and/or suggest the a composition comprising an acrylic acid containing composition in the amount recited in combination with ASA and/or AKD and a crosslinking agent, Applicants respectfully submit the pending rejections must fail.

Even if the cited references were to suggest the presently claimed invention, the Propst Declaration explains the surprising and unexpected results achieved by the presently claimed invention. Thus, any *prima facie* case of obviousness has been overcome.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any additional fee is necessary to make this paper timely and/or complete, it may be deducted from the deposit account of the undersigned, No.19-4375.

Respectfully submitted,



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